

The Honorable Barbara J. Rothstein

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CHARLENE WAGNER,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON, *et al.*,

Defendants.

Case No. 2:20-cv-00091-BJR

**STIPULATION AND ORDER RE:
FILING OF SECOND AMENDED
COMPLAINT**

Pursuant to Fed. R. Civ. P. 15(a)(2), the parties stipulate that Plaintiff Charlene Wagner may file the Second Amended Complaint attached as Exhibit 1, which (as reflected in the “redline” comparison attached at Exhibit 2) changes nothing in the First Amended Complaint (Dkt. 23-1) except the addition of the individual Defendants ANA MARI CAUCE, President of the University of Washington (“UW”), MINDY KORNBERG, Vice President for Human Resources at UW, and BANKS EVANS, Assistant Vice President at UW. Because of the consolidated nature of the Second Amended Complaint’s definitions of terms and parties, and pursuant to Fed. R. Civ. P. 15(a)(3), the parties also stipulate and request that the Court order that Defendants’ already-filed Answers (Dkts. 14 and 16) be deemed to be answers to the Second Amended Complaint. The

1 parties further stipulate that the new individual Defendants are proper “persons” under 42 U.S.C.
 2 § 1983.

3 All parties consent to the filing of the Second Amended Complaint and agree that there is
 4 no need for Defendants to file new Answers, because Defendants’ Answers to the Second
 5 Amended Complaint would be identical to their original Answers. The parties further agree that
 6 there is no need to make any changes to the Stipulation regarding Facts for Cross-Motions for
 7 Summary Judgment (“Stipulation”) (Dkt. 20), or the current briefing schedule for cross-motions
 8 (Dkt. 21). The parties also agree that all references to the “University,” “UW,” or “State
 9 Defendant” in the previously filed summary judgment briefing shall be construed to include the
 10 newly-added individual Defendants.

11 The parties therefore stipulate and request that the Court order that:

- 12 - Plaintiff’s Second Amended Complaint attached as Exhibit 1 to this stipulation is deemed
- 13 filed;
- 14 - Defendants’ Answers filed at Docket Numbers 14 and 16 are deemed to be Answers to
- 15 Plaintiff’s Second Amended Complaint;
- 16 - All references to the “University,” “UW,” or “State Defendant” in the previously filed
- 17 summary judgment briefing shall be construed to include the newly-added individual
- 18 Defendants; and
- 19 - Plaintiff’s Motion for Leave to Amend First Amended Complaint at Docket 31 is
- 20 withdrawn.

21 DATED this 28th day of August, 2020.

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2 It is so stipulated,

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3 **Pursuant to stipulation, it is so ORDERED.**

4 Dated this 31st day of August, 2020.

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6 HON. BARBARA J. ROTHSTEIN
7 UNITED STATES DISTRICT JUDGE
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